

FILED
Clerk
District Court

AUG 24 2006

For The Northern Mariana Islands
By _____
(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

LI YING HUA, LI ZHENG ZHE,
and XU JING JI,

Plaintiffs

v.

JUNG JIN CORPORATION, a
Commonwealth of the Northern
Mariana Islands Corporation; ASIA
ENTERPRISES, a Commonwealth of
the Northern Mariana Islands
Corporation; PARK HWA SUN; and,
KIM HANG KWON,

Defendants

Civil Action No. 05-0019

ORDER AWARDING
ATTORNEYS' FEES AND COSTS

THE COURT has received and reviewed plaintiffs' August 21, 2006, amended
submission regarding attorney fees and costs, submitted pursuant to 29 U.S.C.

§ 216(b). With the exceptions noted below, attorneys' fees and costs are awarded as

1 prayed for and shall be included in the judgment against defendants.

2 The court finds that the hourly rates claimed by plaintiffs' attorney for his
3 work and that of an associated attorney are reasonable for attorneys in this
4 community with similar experience. The court further finds that the total hours
5 expended are reasonable for lawsuits of this type and scope.
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7 Accordingly, attorneys' fees are awarded in the amount of \$36,910.00 for work
8 performed by plaintiffs' main counsel and the second attorney, who performed legal
9 research, minus the 4.2 hours billed at \$45.00 per hour for office staff. That amount
10 is disallowed, absent a showing that the staff member was so compensated for the
11 work claimed to be out of the ordinary.¹
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13 Title 28, U.S.C. § 1920 delimits the costs available to a prevailing party. The
14 rule in its entirety states:
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16 Taxation of costs. A judge or clerk of any court of the United States
17 may tax as costs the following:
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- 19 (1) Fees of the clerk and marshal;
20 (2) Fees of the court reporter for all or any part of the stenographic
21 transcript necessarily obtained for use in the trial;
22 (3) Fees and disbursements for printing and witnesses;
23 (4) Fees for exemplification and copies of papers necessarily obtained
24 for use in the case;

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26 Staff time was inadvertently included in attorney time, as noted by plaintiffs' counsel, and so is deducted from claimed attorney time, rather than from claimed costs.

- 1 (5) Docket fees under section 1923 of this title;
- 2 (6) Compensation of court appointed experts, compensation of
- 3 interpreters, and salaries, fees, expenses, and costs of special
- 4 interpretation services under section 1828 of this title.

5 A bill of costs shall be filed in the case and, upon allowance, included in

6 the judgment or decree.

7 Accordingly, certain claimed costs are disallowed as follows:

8 Postage, facsimile charges, computer research, internet access, and mileage

9 expenses (except paid to witnesses to attend proceedings) are not allowed under

10 § 1920. Taxation of photocopies as costs is limited to copies “necessarily obtained

11 for use in the case,” *supra*; in-house copies may be awarded as costs if the amount per

12 copy claimed is “fair and reasonable.” *See generally* Jones and Rosen, Federal Civil

13 Trials and Evidence, Chapter 19 (2006). The court finds that twenty cents per page is

14 fair and reasonable in this community.

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17 With the above limitations in mind, and the court having determined that all

18 other claimed expenses fall within the purview and case law of 28 U.S.C. § 1920, the

19 following amounts are deducted from plaintiffs’ cost bill:

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- 21 1. For mileage - \$67.24;
- 22 2. For facsimile charges - \$22.25;
- 23 3. For computer research and internet access - \$591.15;
- 24 4. Postage - \$46.93; and,
- 25 5. Photocopies at .20/page (other than when statute called for higher rate or
- 26

1 actual rate was lower per page) - \$224.30.

2 Plaintiffs are awarded costs pursuant to 28 U.S.C. § 1920 in the amount of
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4 \$4,595.75, representing claimed costs of \$5,547.62 minus disallowed costs of \$951.87.

5 Total attorneys' fees and costs shall be included in the judgment.

6 DATED this 24TH day of August, 2006.

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11 ALEX R. MUNSON

12 Judge
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